(1)

SINGLE BENCH

C.F. 100/-

04

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. NO. 3172/2005

PETITIONER : Vimal Jain S/o Shri Akheraj Lunia aged about 40 years R/o 16 Recreation Road, Opp- Swami Vivekanand School , Choubey Colony Raipur. (C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh
   Through the Secretary, Mineral Resource Department,
   D.K.S. Bhawan,
   Raipur (C.G.)

2. The Deputy Chief Manager .
   Chhattisgarh State Mining Development Corporation ,
   27/520, Praveen Bhawan , New Shanti Nagar Raipur (C.G.)

3. M/s Ispat Godavari Limited
   Plot NO. 428/2, Phase -1
   Industrial Area Siltara Raipur (C.G.)
4. The Collector,
   Kanker Dist. Kanker (C.G.)
5. The Union of India
   Through the Secretary
   Mineral Resources Department .
   Ministry of Mines and minerals
   New Delhi .

P.R. No. 2463/05
Presented by Shri Lokendra Sharma
dated 6/6/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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मामला क्रमांक WPNO.3178 सन् | 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22-7-2005

Mr. R.M. Solapurkar, counsel for the petitioner.

Mr. Yashwant Singh Thakur, Govt. Advocate for the State/ respondents No.1 & 4.

Heard both the counsel.

The petitioner has preferred this writ petition under Article 226/ 227 of the Constitution of India being aggrieved by the action of respondent No.1.

The main grievance of the petitioner is that he along with other 21 persons, as per Annexure P-7, applied for grant of mining lease in respect of iron ore in District: Kanker as per Annexure P-1. After scrutinizing the applications and without deciding the same, respondent No.1 simply recommended the name of respondents No.2 & 3 for grant of mining lease.

Learned counsel for the petitioner submits that as per Rule 26 of the Mineral Concession Rules, 1960, respondent No.1 was required to decide the applications of the petitioner, that too after giving opportunity to the petitioner before deciding the application. But, in this case, neither the application has been rejected nor it has been allowed, and simply the names of respondents No.2 & 3 have been recommended for grant of mining lease. Learned counsel further submits that even the petitioner moved representations, for deciding his application, and even that has not been decided. He also submitted that respondent No.3 is already having numbers

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of mining lease, even then, his name has been recommended and case of the petitioner has not been considered.

The last submission of learned counsel for the petitioner is that respondent No.1 be directed to decide the application and representations (Annexures P-5, P-8, P-9 & P-10) of the petitioner, in accordance with law, to which learned counsel for respondents No.1 & 4 has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, respondent No.1 is directed to decide the application and representations of the petitioner, in accordance with law, within a period of 30 days from today.

With the above observations and direction, the petition stands disposed of.

Consequently, M.(W.)P.No.2629/2005 and I.A.No.6142/2005 also stand disposed of.

Sd/-
L.C.Bhadoo
Judge

Soma

(पीछे देखिये)

20/6/05 20/6/05